

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

RUSLAN A. BIZHKO,

Plaintiff,

v.

THOMAS McKINNON, et al.,

Defendants.

No. 2:21-cv-1137-CKD PS

ORDER AND

FINDINGS AND RECOMMENDATIONS

Plaintiff proceeds pro se in this action with allegations against the California Department of Corrections and Rehabilitation, the California Parole Board North Division, the appellate attorney for his criminal case and a fire investigator who testified against him. (ECF No. 1.) This matter was referred to the undersigned by Local Rule 302(c)(3) pursuant to 28 U.S.C. § 636(b).

By order signed on July 27, 2021 (ECF No. 3), the court screened the complaint pursuant to 28 U.S.C. § 1915(e) and determined the complaint was subject to dismissal because it did not state a cognizable claim for relief. Plaintiff was granted thirty days to file an amended complaint. Plaintiff was warned that failure to file an amended complaint would result in a recommendation that this action be dismissed. The time granted for plaintiff to file an amended complaint has expired and plaintiff has neither filed an amended complaint nor sought an extension of time to do so.

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Accordingly, IT IS ORDERED that the Clerk of Court shall assign a district judge to this case.

In addition, IT IS RECOMMENDED as follows:

1. This action be dismissed for failure to state a claim and failure to prosecute. See Fed. R. Civ. P. 41(b); and
2. The Clerk of Court be directed to close this case.

These findings and recommendations are submitted to the United States District Judge assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being served with these findings and recommendations, plaintiff may file written objections with the court and serve a copy on all parties. Such a document should be captioned “Objections to Magistrate Judge’s Findings and Recommendations.” Plaintiff is advised that failure to file objections within the specified time may waive the right to appeal the District Court’s order. Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

Dated: September 16, 2021


CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE

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